MR. PUTHUPALLY S. KRISHNA PILLAI: The Select Committee would try to present their report even before three months.

The motion that the Select Committee consisting of the above members be appointed to consider the Bill was then put and carried.

THE TRAVANCORE CONTRACT BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: I beg to introduce the Travancore Contract Bill. In the Statement of Objects and Reasons I have pointed out what exactly is the implication contained in the Bill. Our courts have been following, in most cases, the provisions of the Indian Contract Act. In some cases our courts have made departures, of course, basing their decision on the English law of contracts. Wherever they have done so, they have stated that the decision is in consonance with justice, equity and good conscience. It is found after careful consideration of all these decisions and a comparative study of the provisions of the Indian Contract Act that it would be better to have uniformity and definitness in matters arising under contract. Therefore, in preparing this Bill, the provisions of the Indian Contract Act have been followed. The Bill when enacted into law will mark a divergence in regard to the law relating to contracts in one or two respects. For instance, the law relating to contracts without consideration but made out of natural love and affection and the revival of a barred debt. It may be noted that such special provisions will apply only to contracts that will come into existence after the passing of the Act. Honourable members are aware of the provisions of the Indian contract Act and I do not therefore propose to deal exhaustively with the provisions contained in the Bill. The only thing that I wish to point out is that some of the chapters of the Indian Contract Act have been repealed and re-enacted as separate statutes. The chapters dealing with 'sale of goods' and 'partnership' have been repealed and a separate Sale of Goods' Act and a Partnership Act have been enacted. Along with the Contract Bill, separate Bills relating to Sale of Goods and Partnership have been prepared and are submitted for the consideration of the House. The absence of a Statute Law relating to contracts has been keenly felt by members of the profession and the litigant public. This Bill, it is hoped, will satisfy a badly felt need. I now move that the Bill be read in the Assembly.

MR. M. P. JOSEPH: I second it.

PRESIDENT: The idea underlying many of these Bills coming up before the House is that in view of the growth of trade and commerce and in view of the many reactions that are taking place outside, it is well to bring our commercial laws also up-to-date.

The motion was put and carried.

The Secretary to the Assembly then read the title of the Bill:—

"The Travancore Contract Bill".

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MR. PUTHUPALLY S. KRISHNA PILLAI: I beg to move that this Bill be referred to a Select Committee consisting of the following members —

Messrs. E. Subramonia Iyer
M. L. D'Cruz
C. Jebamony Nadar
M. L. Janardhana Pillai
N. V. Joseph
M. Kesava Panicker
T. C. Kesava Pillai
M. Sivathanu Pillai
Puliyoor T. P. Velayudhan Pillai
Dr. C. R. Harler, and
The Legal Remembrancer,

the Committee to report within three months.

MR. M. P. JOSEPH: I second it

The motion was put and carried.

THE TRAVANCORE SALE OF GOODS BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: I beg to introduce The Sale of Goods Bill. I may be permitted to point out that this has been drawn up on the lines of the British Indian Act. We have been generally following British Indian Law. By the enactment of this Bill we shall be making a departure on one or two points from the current of judicial decisions based on the principles of justice, equity and good conscience. One relates to the administration of partnership property on dissolution and the other in the matter of registration of partnership firms. Of course, it is not proposed to make the provision obligatory. A separate period also is provided for the coming into operation of the section. One point to be noted is that our courts sometimes rely on the Indian Contract Act for certain purposes and the English Act or the American system of jurisprudence for certain others. A desultory search for laws and principles, keeps the law and legal rights and obligations unsettled. It is proposed to bring about definiteness in these matters as far as possible. It is hoped that this measure also will contribute towards the achievement of that purpose. I move that the Bill be read in the Assembly.

MR. M. P. JOSEPH: I second it.

The motion was put and carried.

PRESIDENT: I may say in passing that the Sale of Goods Act and the Partnership Act have been drafted with the aid of very brilliant legal talents in British India and they have taken advantage not only of the best legal talents in British India but even of outside. I think it will be safe to follow the example of British India,

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